

JA

CCRB CASE CLOSING FORM

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|---|--|---|---|---|
| Investigator assigned: <i>CARPENTER</i> | | Team: <i>5</i> | CCRB#: <i>9601621</i> | FADO: <i>F & D</i> |
| Date of incident: <i>04/03/96</i> | Time of incident: <i>0130 Hours</i> | Location of incident: <i>47th Precinct Station House</i> | Pct. of occurrence: <i>47th</i> | Date SOL expires: <i>10/03/97</i> |
| Date reported: <i>04/10/96</i> | Time reported: <i>1900 hours</i> | To whom/where/how reported: <i>Complaint reported by Police Personnel</i> | | |
| Complainant: § 87(2)(b) | Home address: § 87(2)(b) | | | |
| Victim(s): § 87(2)(b) § 87(2)(b) | | | | |
| Witness(es): <i>NONE</i> | | | | |
| Subject officer(s) (include rank): <i>Sgt. John Sullivan</i> <i>PO Robert Abramson</i> <i>PO Alexander Alvarez</i> <i>PO John Raftery</i> <i>PO Arthur Lein</i> | Shield: <i>§ 87(2)(g) 4627 24409 23670 26898 23846</i> | Tax: <i>896734 905644 905682 907110 906643</i> | Command: <i>47th Precinct Street Crime Unit 47th Precinct 47th Precinct 47th Precinct</i> | |
| Witness officer(s) (include rank): <i>NONE</i> | | | | |

| Allegation(s) by letter: | Recommendation(s): |
|--|---------------------------|
| A. § 87(2)(b) alleges that Sgt. Sullivan said to him, "you want my fucking badge number, here is my fucking badge number...10-13!" | § 87(2)(g) |
| B. § 87(2)(b) alleges that PO John Raftery called § 87(2)(b) a "fucking drug dealer...fuckin asshole...mother fucker!" | § 87(2)(g) |
| C. § 87(2)(b) alleges that Sgt. Sullivan grabbed his neck from behind and pushed him against a wall. | § 87(2)(g) |
| D. § 87(2)(b) alleges that Sgt. Sullivan threw him down the stairs backwards. | § 87(2)(g) |
| E. § 87(2)(b) alleges that several unidentified officers assisted Sgt. Sullivan in throwing him down the stairs. | § 87(2)(g) |
| F. § 87(2)(b) alleges that § 87(2)(b) was also physically thrown out of the precinct by unidentified police officers. | § 87(2)(g) |
| G. § 87(2)(b) alleges that PO Arthur Lien physically dragged him down the stairs and pushed him out of the precinct. | § 87(2)(g) |
| H. § 87(2)(b) alleges that PO Arthur Lien hit him using a "karate chop" in the neck and arm areas. | § 87(2)(g) |
| I. § 87(2)(b) alleges that PO Arthur Lien told him to "get the fuck out of here!" | § 87(2)(g) |
| J. § 87(2)(b) has also alleged that PO Raftery "assaulted" him and his friends. | § 87(2)(g) |
| K. § 87(2)(b) has alleged that PO Abramson "assaulted" him and his friends. | § 87(2)(g) |
| L. § 87(2)(b) has alleged that PO Abramson "assaulted him and his friends." | § 87(2)(g) |

SUMMARY

On the date of April 3, 1996 at approximately 2:00 AM, § 87(2)(b) allegedly had an argument with four unidentified police officers whom he is allegedly being harassed by. These officers continuously tell him that he is a drug dealer and search him because of this. Because of such on going harassment, § 87(2)(b) claims that when he saw them in the early morning of April 3, he said "fuck you" to them and immediately went with his friends to the 47th Precinct to file a complaint against them. When § 87(2)(b), § 87(2)(b) and § 87(2)(b) arrived at the 47th Precinct, § 87(2)(b) approached the desk sergeant and told of the on going harassment. While making his complaint, § 87(2)(b) claims that the four officers who were giving him problems were actually present and watching him at the precinct.

The desk officer that § 87(2)(b) proceeded to file his complaint with was Sgt. Sullivan. When doing so, an unidentified blonde haired officer said that "this guy is a fucking drug dealer, he is a fucking asshole, mother fucker!" § 87(2)(b) then asked for the badge numbers of the officers he was having trouble with, but Sgt. Sullivan then said "you want my fucking badge number, here is my fucking badge number, 10-13!" According to § 87(2)(b) Delleon, once the officer yelled the code 10-13, or "some sort of code," many officers from around the precinct came to assist the sergeant. At that time, Sgt. Sullivan grabbed § 87(2)(b) by the neck and threw him against a wall. He and other unidentified officers then proceeded to throw him down a set of stairs leading to the front doors of the precinct.

At the same time, an unidentified Asian police officer went after § 87(2)(b). The Asian officer began to forcibly push him out of the precinct. Immediately, § 87(2)(b) pleaded with the officer not to push him because he is actually handicapped due to a medical condition with his legs. § 87(2)(b)'s resistance prompted the officer to trip him with his back leg, causing § 87(2)(b) to fall backwards. Meanwhile, the officer told § 87(2)(b) to "get the fuck out of here!" In an attempt not to fall down again and cause any further injury, § 87(2)(b) held on to a railing. However, the Asian officer hit him in the neck and arm with a "karate chop." Once § 87(2)(b) let go, the Asian officer dragged him down the stairs and out of the precinct. § 87(2)(b) was also physically thrown out of the precinct by unidentified officers when they grabbed his shirt from behind and pushed him out.

Once outside the precinct, § 87(2)(b) ran to a pay phone to contact Internal Affairs to file a complaint. Also, because § 87(2)(b) claims to have injured his hand and § 87(2)(b) had injured his legs, he contacted "911" for an ambulance. They were then transported to § 87(2)(b) by a private ambulance from that hospital. § 87(2)(b) complained of neck and back pain and was even evaluated by the Dept. Of Psychiatry for his high anxiety and rapid speech. He was treated with Motrin for his physical pain and Ativan for the treatment of his anxiety. § 87(2)(b) complained of pain in his leg and was evaluated carefully based on his handicapped condition. There were no "external signs of trauma" and there was no signs of bruising. X-Rays only found injuries that were treated and healed from past operations. Therefore, § 87(2)(b) was given an ace bandage for his leg, a cool compress and some Motrin. The two men were subsequently treated and released while § 87(2)(b) did not seek or receive any medical attention.

Sgt. Hoban of the 47th Precinct later responded to the Hospital to determine the condition of the three men. He later prepared an Unusual Occurrence Report regarding the incident. Sgt. Hoban has since retired from the New York City Police Dept.

ANALYSIS

Allegation A

When § 87(2)(b) was in the process of filing his complaint, he claims that he wanted to know the badge

numbers of the officers whom he was complaining of. Suddenly, Sgt. Sullivan came forward saying, "you want my fucking badge number, here is my fucking badge number, 10-13!" Sgt. Sullivan stated that he never called a 10-13, nor did he ever say, "you want my badge number, here is my fucking badge number!" The sergeant recalled § 87(2)§ 87(2)(b) mother, later coming to the precinct to record his badge number and the badge numbers of the officers whom § 87(2)(b) was complaining of (*Encl. 6A*).

The four officers believed to be the ones § 87(2)(b) is complaining of, PO Abramson, PO Alvarez, PO Raftery, and PO Lein, all claim not to be present during this incident. Therefore, they did not witness any of the alleged discourteous language by Sgt. Sullivan. § 87(2)(b) said that the sergeant did shout out some type of "code," but he makes no mention of any discourteous language used. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation B

§ 87(2)(b) recalls that while his cousin, § 87(2)(b) was attempting to file a complaint with the desk sergeant, a blonde haired officer, one of whom § 87(2)§ 87(2)(b) was complaining of, said "this guy is a fucking drug dealer...he is a fucking asshole...mother fucker!" § 87(2)(b) and his friend, § 87(2)(b) never made any mention of this allegation. The only officer whom § 87(2)(b) appears to have been complaining of, who has blonde hair, would be PO John Raftery (*Encl. 9*). However, PO Raftery claims that he was not even present during this entire confrontation. Sgt. Sullivan said that PO Raftery, as well as the other three officers at this time, were not present and probably were all on their foot patrol posts. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation C

§ 87(2)(b) claims that after Sgt. Sullivan called a "Code 10-13," he immediately approached him, grabbed

his neck and threw him against a wall. § 87(2)(b) said that there were several officers grabbing § 87(2)(b) and pushed him down the steps. § 87(2)(b) never states that the sergeant grabbed his neck or pushed him against a wall. § 87(2)(b) stated that he and § 87(2)(b) and § 87(2)(b) were all physically ejected from the precinct, and does not recall any specific details.

Sgt. Sullivan stated that after § 87(2)(b) demanded immediate action for his complaint and wanted to speak to a boss. According to the sergeant, he attempted to tell him that he was the boss at the time, and if he chose to speak with a higher authority, he would have to come back in the morning. He also offered § 87(2)(b) the choice to have his complaint forwarded to the CCRB, however, § 87(2)(b) demanded to speak with "someone in charge." After Sgt. Sullivan offered all the options he could to the complainant, he informed § 87(2)(b) that he would have to leave the station house. According to Sgt. Sullivan, he gave § 87(2)(b) "several opportunities to leave the station house, all of which § 87(2)(b) nor his friends listened to." Sgt. Sullivan then said that he walked around the desk and approached § 87(2)(b). He asked § 87(2)(b) one last time if he was going to leave the station house. When § 87(2)(b) once again refused to leave, the sergeant grabbed his arm(biceps), and escorted him outside. § 87(2)(b) did not resist while being physically removed, and his cousin and friend followed, without having forced used upon them. The Unusual Occurrence Report (*Encl. 12*), prepared by a now retired MOS, Sgt. Hoban, only states that the "complainants were escorted from the station house and claimed injury during the process." No further information is provided, and Sgt. Hoban can not be contacted since he has since retired from the NYPD.

PO Abramson, PO Alvarez, PO Lien, and PO Raftery, all of which are mentioned on the IAB complaint report (*Encl. 11-11B*), claim that they were not present and therefore could not have been witness to any of Sgt. Sullivan's alleged use of force. According to the medical report (*Encl. 14A*), § 87(2)(b) complains of back pain and pain in his left thumb, associated with a fall down steps. He does not mention any type of injury associated with a grabbing of the neck. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation D

§ 87(2)(b) has alleged that Sgt. Sullivan threw hit down a set of stairs. Medical records state that § 87(2)(b) complained of falling down a set of steps, reached out to prevent a fall and subsequently hyper extended his thumb on the left hand. He also complains of back pain associated with the fall. Sgt. Sullivan admits to grabbing § 87(2)(b) arm and physically escorting him from the station house, but denies throwing him down steps. The

sergeant escorted him out of the station house because § 87(2)(b) would not listen to the sergeants suggestions of how to properly file a complaint and would not leave the precinct.

The Unusual Occurrence Report, claims that all “ ‘3’ complainants became loud and abusive and started cursing and became disruptive of the good orderly direction of the Station House.” Therefore, according to the report, they were escorted from the building. § 87(2)(g)

Doctors felt that because § 87(2)(b) had “High Anxiety” and “Rapid Speech,” he should undergo psychiatric treatment. As a result of this examination, he was prescribed the drug, Ativan, which was to calm his “High Anxiety.” § 87(2)(g)

Sgt. Sullivan admits to escorting § 87(2)(b) out of the station house. § 87(2)(g)

Allegation's E & F

§ 87(2)(b) claims that other unidentified officers were also involved in pushing him and his friend § 87(2)(b) down the stairs. § 87(2)(b) has also stated that § 87(2)(b) was being pushed down the stairs by several unidentified police officers. PO Abramson, PO Alvarez, PO Raftery, and PO Lein all claim to have been off duty and not present during this incident. Sgt. Sullivan claims to have escorted § 87(2)(b) outside by himself, without the aide of other officers. § 87(2)(g)

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegations G, H, & I

§ 87(2)(b) has alleged that an unidentified Asian police officer physically pushed him out of the station house, dragged him down a set of stairs, and used a "karate chop" to hit his neck and arm. After such a display of force, § 87(2)(b) also alleges that the same officer told him to "get the fuck out of here!" PO William Liens was mentioned in a complaint filed with IAB(*Encl. 11A*). However, PO Liens was not working during this incident and is not Asian. PO Arthur Lien, however, is an Asian police officer and was getting off work during the alleged incident. PO Arthur Lien was partnered with PO Abramson, PO Alvarez, and PO Raftery. These four officers, are the police officers whom § 87(2)(b) was attempting to file his original complaint against, and who were allegedly involved in the incident. However, during their interviews all four officers said that they were off duty and not at the scene which occurred at approximately 0200 hours. § 87(2)(b) describes the Asain officer to be 5'4" with no facial hair, black hair, and approximately 180 lbs. PO Lien is Asian, 5'3", no facial hair, black hair, and weighs approximately 157 lbs. § 87(2)(g)

[REDACTED]

[REDACTED]

The radio run (*Encl. 13*) states that at approximately 0209 hours, a male caller § 87(2)(b) contacted "911" to inform them that an § 87(2)(b) old male § 87(2)(b) fell down stairs. PO Lien stated in his interview that he had left and was off duty at the time of 0200 hours and was not present, nor did he witness the alleged incident. § 87(2)(g)

[REDACTED]

PO Abramson stated that he was not present during the incident, yet he remembers § 87(2)(b) saying he arrested § 87(2)(b) for drug abuse at one time. However, PO Abramson said that he did not have any contact with § 87(2)(b) that night of the incident. § 87(2)(b) and § 87(2)(b) stated that they saw the officers in the precinct whom § 87(2)(b) wanted to file a complaint against. § 87(2)(b) apparently knew the names of the officers who assaulted him and his friends as he gave the names of PO Abramson, PO Alvarez, PO Raftery, and PO Liens to IAB when he called them at 0215 hours to file a complaint (*Encl. 11A*). § 87(2)(b) later complained about the desk sergeant, Sgt. Sullivan, who was pushing him out with other unidentified officers. Also present was the Asian police officer, believed to be PO Lien, who was abusing § 87(2)(b). All four police officers, PO Abramson, PO Lein, PO Alvarez, and PO Raftery, in which § 87(2)(b) was

filing a complaint against, claim that they were not present during the incident. Sgt. Sullivan said that none of the four(4) mentioned officers were even at the precinct during the incident from what he could recall. The rest of the officers at the precinct involved in the alleged incident could not be identified or remembered by the complainant, or by the victims.

Medical Reports (*Encl. 15A*) show that the injury claimed by § 87(2)(b) was treated with nothing more than a "cool compress and Ace wrap for comfort." There were no signs of bruising, trauma, or deformity. X-Rays concluded that there was an "old healed right proximal tibial shaft fracture with metallic staple bridging the fracture site." § 87(2)(b) does indeed have trouble walking due to an old operation to his leg, and it certainly could have prevented him from quickly leaving the precinct as directed. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(b) did not know the name of the Asian officer whom he claims assaulted him. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(b), § 87(2)(b), and § 87(2)(b) all claim that there were many officers whom they could not recognize and were not identifiable. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegations J, K, & L

§ 87(2)(b) stated to Internal Affairs that PO Alvarez, PO Abramson, and PO Raftery were also involved in assaulting him and his friends. During the CCRB interview, § 87(2)(b) could not recall which officers did what, or even which officers specifically were assaulting him or his friends. All these officers claim that they were not present and § 87(2)(b) and § 87(2)(b) never mentioned their names. § 87(2)(g)

[REDACTED]

"Eric" W. Larela
INVESTIGATOR
M. Larela
SUPERVISING INVESTIGATOR

6-26-97
DATE
6-30-97
DATE